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AMENDED IN ASSEMBLY MAY 26, 2005

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CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 647

Introduced by Assembly Member Koretz
(Coauthors: Assembly Members Haynes, Karnette, and
Mountjoy)

(Coauthors: Senators Battin, Ducheny, Kuehl, and Margett)

February 17, 2005

An act to amend Section 2118 of, and to add Sections 2118.1 and 2188 to, the Fish and Game Code, and to amend Section 121790 of the Health and Safety Code, relating to wild animals.

LEGISLATIVE COUNSEL'S DIGEST

AB 647, as amended, Koretz. Wild animals: domestic ferrets.

Existing law prohibits the importation into this state of wild animals specified on a list published by the State Department of Health Services without a permit issued by that department, except that existing law does not authorize the importation, transportation, or possession of live animals enumerated in specified provisions of the Fish and Game Code or regulations of the Fish and Game Commission adopted pursuant thereto. Those existing provisions of the Fish and Game Code prohibit the importation, transportation, possession, or release into this state of certain wild animals without a permit issued by the Department of Fish and Game.

This bill would remove from the list of wild animals that are unlawful to import, transport, possess, or release into this state a domestic ferret to be owned as a pet if the owner of the ferret maintains, and can produce, documentation that the ferret has been vaccinated against rabies and that the ferret, if over the age of 6 months, is spayed or neutered. The bill would specify that any ferret that is sold or offered for sale is required to be spayed or neutered before the sale.

This bill would require the Secretary of the Resources Agency, in consultation with the Department of Fish and Game, on or before September 30, 2006, to prepare and complete a—statewide environmental assessment negative declaration, a mitigated negative declaration, or an environmental impact report to determine the effects of removing the domestic ferret from the list of wild animals that are unlawful to import, transport, possess, or release alive into this state. This bill would permit the secretary to enter into agreements to utilize existing resources and expertise of specific institutions in obtaining scientific data for the assessment,—and. The bill would require the secretary to provide a copy of the assessment and any related findings to the Legislature and to the Fish and Game Commission: and to publish that information on the Resources Agency's Internet Web site if the secretary, in consultation with the Department of Fish and Game, concludes that a negative declaration or a mitigated negative declaration is appropriate. The bill would also provide that, if the secretary, in consultation with the Department of Fish and Game, concludes that a declaration is appropriate,

The bill would require the secretary, within 60 days after the completion of the assessment, would be required to direct the Department of Fish and Game to hold a public hearing,—and within 30 days of the public hearing, to determine and certify that determination in writing, to assess whether a significant risk to California's wildlife would be created if the domestic ferret is removed from the list of wild animals that are unlawful to import, transport, possess, or release alive into this state, as provided.

The bill would, if the secretary determines that there is insufficient evidence to indicate that a significant risk to California's wildlife would be created if the domestic ferret is removed from the list of wild animals that are unlawful to import, transport, possess, or release alive into this state, allow domestic ferrets to be owned as pets without a permit if the owner of a ferret maintains, and can produce,

~~documentation showing that the ferret has been vaccinated against rabies with a vaccine approved for use in ferrets by the United States Department of Agriculture and administered in accordance with the recommendations of the vaccine manufacturer and if the ferret is spayed or neutered, as specified.~~

~~The bill would prohibit the Department of Fish and Game and any state enforcing officers, as defined, from enforcing the requirements to vaccinate, spay, or neuter a ferret, and would instead permit local animal control agencies to enforce those requirements, if the Secretary of the Resources Agency determines and certifies that there is insufficient evidence to indicate that a significant risk to California's wildlife would be created by the removal of domestic ferrets from the list of wild animals that are unlawful to import, transport, possess, or release alive into this state, except under a revocable, nontransferable permit.~~

~~The bill would provide that specified provisions of the bill would not become operative unless the secretary determines and certifies that there is insufficient evidence to indicate that a significant risk to California's wildlife would be created if the domestic ferret is removed from the list of wild animals that are unlawful to import, transport, possess, or release alive into this state, except under a revocable, nontransferable permit.~~

The bill would provide that, if the secretary, in consultation with the Department of Fish and Game, certifies a negative declaration or a mitigated negative declaration, the department and any state law enforcement officer would be prohibited from undertaking enforcement activities relating to ferrets, as specified, provided that all conditions in the declaration have been implemented. The bill would provide that, if the secretary, in consultation with the Department of Fish and Game, determines that an environmental impact report is appropriate, the department and any state law enforcement officer would be permitted to undertake enforcement activities against domestic ferrets for violations of the specified conditions only until the environmental impact report is certified and implemented.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 2118 of the Fish and Game Code is amended to read:

2118. It is unlawful to import, transport, possess, or release alive into this state, except under a revocable, nontransferable permit as provided in this chapter and the regulations pertaining thereto, any wild animal of the following species:

(a) Class Aves: (birds)

Family Cuculidae (cuckoos)

All Species.

Family Alaudidae (larks)

Skylark, *Alauda arvensis*

Family Corvidae (crows, jays, magpies)

All species.

Family Turdidae (thrushes)

European blackbird, *Turdus merula*

Missel (or mistle), thrush, *Turdus viscivorus*

Family Sturnidae (starlings and mynas or mynahs)

All species of the family, except hill myna (or hill mynah),

Gracula religiosa (sometimes referred to as

Eulabes religiosa)

Family Ploceidae (weavers)

The following species:

Spanish sparrow, *Passer hispaniolensis*

Italian sparrow, *Passer italiae*

European tree sparrow, *Passer montanus*

Cape sparrow, *Passer capensis*

Madagascar weaver, *Foudia madagascariensis*

Baya weaver, *Ploceus baya*

Hawaiian rice bird, *Munia nitoria*

Red-billed quelea, *Quelea quelea*

Red-headed quelea, *Quelea erythrops*

Family Fringillidae (sparrows, finches, buntings)

Yellowhammer, *Emberiza citrinella*

(b) Class Mammalia (mammals)

Order Primata

All species except those in family Hominidae

- 1 Order Edentata (sloths, anteaters, armadillos, etc.)
- 2 All species.
- 3 Order Marsupialia (marsupials or pouched mammals)
- 4 All species.
- 5 Order Insectivora (shrews, moles, hedgehogs, etc.)
- 6 All species.

- 1 Order Dermoptera (gliding lemurs)
- 2 All species.
- 3 Order Chiroptera (bats)
- 4 All species.
- 5 Order Monotremata (spiny anteaters, platypuses)
- 6 All species.
- 7 Order Pholidota (pangolins, scaly anteaters)
- 8 All species.
- 9 Order Lagomorpha (pikas, rabbits, hares)
- 10 All species, except domesticated varieties of rabbits.
- 11 Order Rodentia (rodents)
- 12 All species, except domesticated golden
- 13 hamsters, also known as Syrian hamster,
- 14 *Mesocricetus auratus*; domesticated varieties of
- 15 rats or mice (white or albino; trained,
- 16 dancing or spinning, laboratory-reared);
- 17 and domestic strains of guinea pig (*Cavia*
- 18 *porcellus*).
- 19 Order Carnivora (carnivores)
- 20 All species, except domestic dogs (*Canis*
- 21 *familiaris*), domestic cats (*Felis catus*), and domestic
- 22 ferrets (*Mustela furo*) ~~to be owned as pets, if the owner of~~
- 23 ~~a ferret maintains, and can produce, documentation~~
- 24 ~~showing that the ferret has been spayed or neutered, if the~~
- 25 ~~ferret is over the age of six months, and that the ferret has~~
- 26 ~~been vaccinated against rabies with a vaccine approved for~~
- 27 ~~use in ferrets by the United States Department of~~
- 28 ~~Agriculture and administered in accordance with the~~
- 29 ~~recommendations of the vaccine manufacturer; pursuant~~
- 30 ~~to Section 121790 of the Health and Safety Code.~~
- 31 Order Tubulidentata (aardvarks)
- 32 All species.
- 33 Order Proboscidea (elephants)
- 34 All species.
- 35 Order Hyracoidea (hyraxes)
- 36 All species.
- 37 Order Sirenia (dugongs, manatees)
- 38 All species.
- 39 Order Perissodactyla (horses, zebras, tapirs,
- 40 rhinoceroses, etc.)

- 1 All species except those of the family Equidae.
- 2 Order Artiodactyla (swine, peccaries, camels,
- 3 deer, elk, except elk (genus Cervus) which are
- 4 subject to Section 2118.2, moose, antelopes,
- 5 cattle, goats, sheep, etc.)
- 6 All species except: domestic swine of the family
- 7 Suidae; American bison, and domestic cattle,
- 8 sheep and goats of the family Bovidae; races
- 9 of big-horned sheep (*Ovis canadensis*) now
- 10 or formerly indigenous to this state.
- 11 Mammals of the orders Primata, Edentata,
- 12 Dermoptera, Monotremata, Pholidota, Tubulidentata,
- 13 Proboscidea, Perissodactyla, Hyracoidea, Sirenia and
- 14 Carnivora, that are restricted for the welfare of the animals,
- 15 except animals of the families Viverridae and Mustelidae
- 16 in the order Carnivora that are restricted because
- 17 those animals, not including domestic ferrets to be owned as pets,
- 18 are undesirable and a menace to native wildlife,
- 19 the agricultural interests of the state, or to the public
- 20 health or safety.
- 21 (c) Class amphibia (frogs, toads, salamanders)
- 22 Family Bufonidae (toads)
- 23 Giant toad or marine toad, *Bufo marinus*
- 24 (d) Class Monorhina (lampreys)
- 25 All species.
- 26 (e) Class Osteichthyes (bony fishes)
- 27 Family Serranidae (bass)
- 28 White perch, *Morone* or *Roccus americana*
- 29 Family Clupeidae (herring)
- 30 Gizzard shad, *Dorosoma cepedianum*
- 31 Family Sciaenidae (croakers)
- 32 Freshwater sheepshead, *Aplodinotus grunniens*
- 33 Family Characidae (characins)
- 34 Banded tetra, *Astyanax fasciatus*
- 35 All species of piranhas
- 36 Family Lepisosteidae (gars)
- 37 All species.
- 38 Family Amiidae (bowfins)
- 39 All species.
- 40 (f) Class Reptilia (snakes, lizards, turtles, alligators)

- 1 Family Crocodilidae
2 All species.
3 (g) Class Crustacea (crustaceans)
4 Genus Cambarus (crayfishes)
5 All species.
6 Genus Astacus (crayfishes)
7 All species.
8 Genus Astacopsis (crayfishes)
9 All species.
10 (h) Class Gastropoda (slugs, snails, clams)
11 All species of slugs.
12 All species of land snails.
13 (i) Other classes, orders, families, genera, and species
14 of wild animals which may be designated by the
15 commission in cooperation with the Department of Food
16 and Agriculture: (1) when the class, order, family, genus,
17 or species is proven to be undesirable and a menace to
18 native wildlife or the agricultural interests of the state, or
19 (2) to provide for the welfare of wild animals.
20 (j) Except as expressly authorized in this code, any live
21 nonindigenous Atlantic salmon or the roe thereof into the
22 Smith River watershed.
23 (k) Classes, families, genera, and species in addition to
24 those listed in this section may be added to or deleted
25 from the above lists from time to time by commission
26 regulations in cooperation with the Department of Food
27 and Agriculture.

28
29 SEC. 2. Section 2118.1 is added to the Fish and Game Code,
30 to read:

31 2118.1. (a) On or before September 30, 2006, the Secretary
32 of the Resources Agency—~~shall, in consultation with the~~
33 ~~department, shall, pursuant to the California Environmental~~
34 ~~Quality Act (Division 13 (commencing with Section 21000) of the~~
35 ~~Public Resources Code), prepare and complete, or arrange for the~~
36 ~~preparation and completion of, a statewide environmental~~
37 ~~assessment~~ *negative declaration, a mitigated negative*
38 ~~declaration, or an environmental impact report that is based on~~
39 ~~the best available scientific information to determine the effects~~
40 of removing the domestic ferret from the list of wild animals ~~that~~

~~are unlawful to import, transport, possess, or release alive into this state, except under a revocable, nontransferable permit, issued as provided in Section 121790 of the Health and Safety Code under conditions in which the ferret has been spayed or neutered, if the ferret is over the age of six months, and the ferret has been vaccinated against rabies. as provided in Section 2118 as long as the ferret has been treated to comply with subdivision (b) of Section 12790 of the Health and Safety Code.~~ A domestic ferret shall not be released into the wild as a part of the environmental assessment.

(b) The Secretary of the Resources Agency may enter into an agreement to utilize existing resources *and expertise* of the Office of Planning and Research, the California Research Bureau, the University of California, the California State University, *the department, a private firm,* or any similar institution or combination of those institutions, to assist in obtaining scientific data for the environmental assessment described in subdivision (a).

~~(e) The assessment described in subdivision (a) shall take into account the survey of ferret activity in the states conducted by the department's 1996-97 Nationwide Ferret Survey of State Wildlife Agencies, the existing literature relating to the survivability of ferrets in the wild where predators are present, the fact that ferrets being removed from the list are spayed or neutered, if they are over the age of six months, and vaccinated against rabies, and evidence or estimates of the number of ferrets already in possession by California residents over the past decade.~~

~~(d) Upon completion of the environmental assessment described in subdivision (a), the Secretary of the Resources Agency shall do all of the following:~~

~~(c) If the Secretary of the Resources Agency, in consultation with the department, concludes that a negative declaration or a mitigated negative declaration is appropriate, he or she shall do all of the following:~~

(1) Provide a copy of the environmental assessment and any related findings to the Legislature and the commission.

(2) Publish the environmental assessment and any related findings on the Resources Agency's Internet Web site.

(3) Within 60 days after the completion of the environmental assessment, *direct the department to* hold a public hearing to assess whether a significant risk to California's wildlife would be created if the domestic ferret, provided that it has been spayed or neutered if the ferret is over the age of six months and that the ferret has been vaccinated against rabies, is removed from the list of wild animals ~~that are unlawful to import, transport, possess, or release alive into this state, except under a revocable nontransferable permit, as provided~~ *enumerated* in Section 2118.

~~(e) The Secretary of the Resources Agency, within 30 days following the hearing under paragraph (3) of subdivision (d), shall determine, and certify that determination in writing, whether a significant risk to California's wildlife would be created if the domestic ferret is removed from the list of wild animals that are unlawful to import, transport, possess, or release alive into this state, except under a revocable, nontransferable permit, issued as provided in Section 121790 of the Health and Safety Code under conditions in which the ferret has been spayed or neutered, if the ferret is over the age of six months, and has been vaccinated against rabies.~~

SEC. 3. Section 2188 is added to the Fish and Game Code, to read:

2188. (a) If the Secretary of the Resources Agency determines and certifies, pursuant to Section 2118.1, that there is insufficient evidence to indicate that a significant risk to California's wildlife would be created by the removal of domestic ferrets from the list described in Section 2118, the department and any enforcing officer shall not enforce, and instead local animal control agencies may enforce, the prohibition against a person importing, transporting, possessing, or releasing alive into this state, a domestic ferret (*Mustela furo*) to be owned as a pet, except under a revocable, nontransferable permit, under conditions in which the owner of the ferret maintains, and can produce, documentation showing that the ferret has been spayed or neutered, if the ferret is over the age of six months, and documentation showing that the ferret has been vaccinated against rabies, as provided in Section 121790 of the Health and Safety Code and Section 2118, *in consultation with the department, certifies that a negative declaration or a mitigated negative declaration is appropriate, the department*

1 *and any state law enforcement officer shall not undertake*
2 *enforcement activities pursuant to Section 121790 of the Health*
3 *and Safety Code or Section 2118 against domestic ferrets that*
4 *are otherwise lawful, provided that all conditions in the negative*
5 *declaration or mitigated negative declaration have been*
6 *implemented.*

7 *(b) If the Secretary of the Resources Agency, in consultation*
8 *with the department, determines that an environmental impact*
9 *report is appropriate, the department and any state law*
10 *enforcement officer may undertake enforcement activities*
11 *pursuant to Section 121790 of the Health and Safety Code and*
12 *Section 2118 against domestic ferrets for violations of the*
13 *conditions set forth in subdivision (b) of Section 121790 of the*
14 *Health and Safety Code, until the environmental impact report is*
15 *certified and implemented, at which point the department and*
16 *any state law enforcement officer shall not undertake*
17 *enforcement activities against domestic ferrets that are otherwise*
18 *lawful.*

19 SEC. 4. Section 121790 of the Health and Safety Code is
20 amended to read:

21 121790. (a) The department shall publish from time to time a
22 list of animals that may not be imported into, *or possessed in,*
23 this state except by permit from the department. Unless a permit
24 is issued pursuant to this chapter, it is unlawful to import into, *or*
25 *possess in,* this state any wild animal for which a permit is
26 required by the department.

27 (b) A permit shall not be required to import into, *or possess in,*
28 this state domestic ferrets to be owned as pets under the
29 following conditions:

30 (1) The owner of the ferret maintains, and can produce,
31 documentation showing that the ferret has been vaccinated
32 against rabies with a vaccine approved for use in ferrets by the
33 United States Department of Agriculture and administered in
34 accordance with the recommendations of the vaccine
35 manufacturer.

36 (2) All ferrets over the age of six months shall be spayed or
37 neutered.

38 (3) Any ferret that is sold or offered for sale in a retail store
39 shall be spayed or neutered before the sale.

1 ~~(e) If the Secretary of the Resources Agency determines and~~
2 ~~certifies, pursuant to Section 2118.1, that there is insufficient~~
3 ~~evidence to indicate that a significant risk to California's wildlife~~
4 ~~would be created by the removal of domestic ferrets from the list~~
5 ~~described in Section 2118, the Department of Fish and Game and~~
6 ~~any state enforcing officers, as defined in Section 2117 of the~~
7 ~~Fish and Game Code, shall not enforce the provisions of~~
8 ~~paragraphs (1), (2), and (3) of subdivision (b). However, local~~
9 ~~animal control agencies may enforce the provisions of~~
10 ~~paragraphs (1), (2), and (3) of subdivision (b).~~

11 ~~SEC. 5. Sections 1, 3, and 4 of this act shall not become~~
12 ~~operative unless the Secretary of the Resources Agency~~
13 ~~determines and certifies, pursuant to subdivision (e) of Section~~
14 ~~2118.1 of the Fish and Game Code, that there is insufficient~~
15 ~~evidence to indicate that a significant risk to California's wildlife~~
16 ~~would be created if the domestic ferret is removed from the list~~
17 ~~of wild animals that are unlawful to import, transport, possess, or~~
18 ~~release alive into this state, except under a revocable,~~
19 ~~nontransferable permit issued pursuant to Section 121790 of the~~
20 ~~Health and Safety Code.~~